UNITED STATES PATENT AND TRADEMARK OFFICE

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10/716,602	11/20/2003	Toshiyoshi Sugawara	03FN033US	7185

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EXAMINER
CHEUNG, VICTOR

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
> WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>18 September 2008</u>.

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Applicant's response has been filed on 09/18/2008.

2.   Claims 1-20 are currently pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4.   Claims 1-2, 4, 8-9, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Weir et al. (US Patent Application Publication No. 2002/0192631) in view of Coleman et al. (US

Patent Application Publication No. 2006/0014129).

        Re Claims 1-2: Weir et al. disclose an information gathering system comprising portable user

terminals carried by persons who have entered an event hall (Fig. 1; Paragraphs 32-33, school,

classrooms), area terminals provided area by area in the event hall (Fig. 1, Communications Server;

Paragraphs 32-33, there can exist a communication server for each of a plurality of teacher consoles

for each of the teachers in the school), an information gathering server (Paragraphs 26, 31, 38, 110-

112, database), a client terminal (Paragraph 28, teacher console), a network which connects the area

terminal, the client terminal, and the information gathering server (Fig. 1, TCP/IP Network), a

device by which the information gathering server registers area information including event halls and

areas targeted for a questionnaire, a questionnaire start date, a questionnaire end date, and contents

of the questionnaire based on questionnaire request information sent from the client terminal

(Paragraphs 28, 31, 48, 50, 101, 110-112; the information gathering server "database" stores data

regarding the operation of the system, including processing requests for information), a device by

which the information gathering server transmits the contents of the questionnaire to the associated

area terminal over the network when the questionnaire start date has come (Paragraphs 27, 29, 31,

51, 57, 74, 111; questions/test are set-up for subjects, classes, and scheduled courses for use during

class sessions; the database server stores and distributes information as requested by the connected

devices, including information originating from the test module; the components of the system each

communicate through an area terminal "communications server"), a device by which an area

terminal having received the contents of the questionnaire transfers the contents of the

questionnaire to those portable user terminals which are located in the same area by close-range

wireless communication (Paragraphs 29, 51), a device which allows each of the portable user

terminals having received the contents of the questionnaire to input an answer to the questionnaire

and transmit the answer to the questionnaire to that area terminal in the same area by close-range

wireless communication (Paragraphs 29, 51), and a device by which the area terminal having

received the answer to the questionnaire to affixes a hall/area ID and a present date to the answer to

the questionnaire and transmit that answer to the questionnaire to the information gathering server

over the network, and allows the information gathering server to store those pieces of information

(Paragraphs 110-112).

        However, Weir et al. do not specifically disclose the area terminal having received the answer

to the questionnaire to affix a hall/area ID and a present date to the answer to the questionnaire.

        Weir et al. do disclose that the database includes information such as identifying a student, a

class, a school, a district, timeframes such as a school year, school term, class period, a date range, a

single day, grades, and responses to be analyzed. It is inherent of a system that includes this information that the information must have been affixed to the information that it identifies (Paragraph 82).

Coleman et al. teach that a system and method for processing test reports, including having a system operator affix information to the results of tests, including teacher names, subjects, classes, and dates of tests (Paragraphs 95-99, 1089).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to affix a hall/area ID and a present date to the answer to the questionnaire, thereby providing detailed information regarding the properties and conditions of the particular questionnaire.

Re Claim 4: As discussed in claim 2 above, a plurality of teachers may use the system. Furthermore, Weir et al. disclose that teachers teach different subjects (Paragraph 54).

Re Claims 8-9: Weir et al. disclose infrared communication (Paragraph 29).

Re Claim 19: Weir et al. disclose the client terminal transmitting questionnaire request information to the information gathering server and receiving and displaying questionnaire result data from the information gathering server (Paragraphs 31, 70-71).

5.   Claims 3, 5, 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weir et al. (US Patent Application Publication No. 2002/0192631) in view of Coleman et al. (US Patent Application Publication No. 2006/0014129) and Inselberg (US Patent No. 6,650,903).

Re Claim 3: Weir et al. disclose an information gathering system comprising portable user

terminals carried by persons who have entered an event hall (Fig. 1; Paragraphs 32-33, school,

classrooms), area terminals provided area by area in the event hall (Fig. 1, Communications Server;

Paragraphs 32-33, there can exist a communication server for each of a plurality of teacher consoles

for each of the teachers in the school), an information gathering server (Paragraphs 26, 31, 38, 110-

112, database), a client terminal (Paragraph 28, teacher console), a network which connects the area

terminal, the client terminal, and the information gathering server (Fig. 1, TCP/IP Network), a

device by which the information gathering server registers area information including event halls and

areas targeted for a questionnaire, a questionnaire start date, a questionnaire end date, and contents

of the questionnaire based on questionnaire request information sent from the client terminal

(Paragraphs 28, 31, 48, 50, 101, 110-112; the information gathering server "database" stores data

regarding the operation of the system, including processing requests for information), a device by

which the information gathering server transmits the contents of the questionnaire to the associated

area terminal over the network when the questionnaire start date has come (Paragraphs 27, 29, 31,

51, 57, 74, 111; questions/test are set-up for subjects, classes, and scheduled courses for use during

class sessions; the database server stores and distributes information as requested by the connected

devices, including information originating from the test module; the components of the system each

communicate through an area terminal "communications server"), a device by which an area

terminal having received the contents of the questionnaire transfers the contents of the

questionnaire to those portable user terminals which are located in the same area by close-range

wireless communication (Paragraphs 29, 51), a device which allows each of the portable user

terminals having received the contents of the questionnaire to input an answer to the questionnaire,

a name, and a personal identification number and transmit the answer to the questionnaire to that

area terminal in the same area by close-range wireless communication (Paragraphs 29, 41, 51, 99),

and a device by which the area terminal having received the answer to the questionnaire to affixes a

hall/area ID and a present date to the answer to the questionnaire and transmit that answer to the

questionnaire to the information gathering server over the network, and allows the information

gathering server to store those pieces of information (Paragraphs 110-112).

      However, Weir et al. do not specifically disclose the area terminal having received the answer

to the questionnaire to affix a hall/area ID and a present date to the answer to the questionnaire,

and a gift hand-over place in the event hall for receiving information on gift recipients from the

information gathering server and displaying the information, and a device by which the information

gathering server draws a gift getting person from those who have answered the questionnaire when

the questionnaire end date has come, transmits the name of the gift-getting person to that area

terminal which corresponds to the gift getting person over the network, and transmits combination

information of the name of the gift getting person and the personal identification number to that

hall terminal which corresponds to the gift getting person over the network, and a device by which

the area terminal having received the name of the gift getting person transfers the name of the gift

getting person to those portable user terminals which are located in the same area by close-range

wireless communication.

      Weir et al. do disclose that the database includes information such as identifying a student, a

class, a school, a district, timeframes such as a school year, school term, class period, a date range, a

single day, grades, and responses to be analyzed. It is inherent of a system that includes this

information that the information must have been affixed to the information that it identifies

(Paragraph 82).

Coleman et al. teach that a system and method for processing test reports, including having a system operator affix information to the results of tests, including teacher names, subjects, classes, and dates of tests (Paragraphs 95-99, 1089).

Inselberg teaches an information gathering system in an event hall including a device adapted for use in connection with an interactive audience participation system (Col. 3, Lines 29-34), a device for broadcasting messages to all users (Col. 4, Lines 18-22, 27-29), redeeming prizes at a central location (Col. 4, Lines 55-58), drawing a gift getting person from those that answered a questionnaire after the end of the questionnaire (Col. 5, Lines 21-24) using an identifier unique to the person (Col. 4, Lines 54-58), and transferring the name of the gift getting person to the portable user terminals which are located in the same area by close-range wireless communication (Col. 5, Lines 9-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to affix a hall/area ID and a present date to the answer to the questionnaire, thereby providing detailed information regarding the properties and conditions of the particular questionnaire.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the gift giving and gift getting procedures of Inselberg such that participant enjoyment is enhanced.

Re Claim 5: As discussed in claim 3 above, a plurality of teachers may use the system. Furthermore, Weir et al. disclose that teachers teach different subjects (Paragraph 54).

Re Claim 10: Weir et al. disclose infrared communication (Paragraph 29).

Re Claim 20: As discussed in claim 3 above, the area terminals distribute information to the

portable user terminals, and feedback information is given to the users in the event hall. Thus each

of the area terminals receives the name of the gift recipients.

6.   Claims 6-7 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weir et

al. in view of Coleman et al., as applied to claim 2 above, or in view of Coleman et al. and Inselberg

as applied to claim 3 above, and further in view of Greene et al. (US Patent Application No.

2002/0172931).

Re Claims 6-7, 11-12, 15-16: Weir et al., as modified by Abrahamson et al. (as in claim 2) and

Inselberg (as in claim 3), disclose the limitations of claims 2 and 3 above. Weir et al. additionally

disclose transmitting answer information to the client terminal from the information gathering

server (Paragraphs 39, 51, 82).

However, Weir et al. do not specifically disclose executing a charge settling process when the

questionnaire end date has come.

Greene et al. teach a system and method for remote monitoring of testing environments,

including providing a testing system and implementing a payment and billing system to charging for

use of the system based on the number of tests administered (Paragraphs 41, 61-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to execute a charge settling process when the questionnaire end date has come, thereby

providing financial compensation for use of the services rendered to and from the users.

Re Claims 13-14: Claims 13-14, dependent on claims 11-12 include limitations similar to those in claims 4-5, which are dependent on claims 2-3, each of the claims having been previously discussed above.

Re Claims 17-18: Claims 17 and 18 include limitations to a computer readable storage medium encoded with a computer program to perform the information gathering steps found in claims 1-16 with the components also found in claims 1-16. Weir et al. disclose that the system implemented as a computer readable storage medium encoded with a computer program to perform the methods (Paragraph 20).

Response to Arguments

7.   Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR CHEUNG whose telephone number is (571)270-1349. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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